IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23420 of 2004

Between:

M.A.Kareem, s/o Md.Ghouse,
A.P.State Minorities Finance Corporation Limited, Cuddapah branch, Cuddapah District.

..... PETITIONER

AND

The Vice Chairman and Managing Director, A.P.State Minorities Finance Corporation Limited,
Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondent in not considering the representation of the petitioner dated 17-11-2004 by reinstating him into service basing on the report submitted by the Audit Team dated 16-08-2004 is arbitrary, unreasonable and consequently direct the respondent to consider the representation of the petitioner dated 17-11-2004 by reinstating him into service by treating the entire suspension period as on duty.

Counsel for the Petitioner: MR.G.TUHIN KUMAR

Counsel for the Respondent: MR.K.RAMANUJA CHARI

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION No. 23420 of 2004

ORDER:

The petitioner was placed under suspension by an order dated 25-06-2004 for certain irregularities said to have been committed by him in implementing “Tatkal Scheme” to the beneficiaries of flood victims. Challenging the same, the present writ petition is filed.

2. The grievance of the petitioner is that the respondent-Vice Chairman and Managing Director constituted an Audit Team to thoroughly scrutinize the accounts of the Branch Office, Kadapa and find out any unaccounted amounts misappropriated in the Branch and accordingly the Audit Party thoroughly searched the record and submitted its report to the Vice Chairman and Managing Director. Thereupon, the petitioner gave a representation dated 17-11-2004 to the respondent to consider his case for revocation of the suspension order but no orders have been passed.

3. The learned counsel for the petitioner contended that the Audit Team has filed its Report and the said Report has not been considered in revoking the suspension order, hence, a direction may be given to the respondent to consider the representation of the petitioner.

4 . On the other hand, the learned counsel appearing for the respondent opposed the same and contended that the authority of the person who passed the suspension order is not under challenge. He further contended that it is only suspension order pending enquiry and the Report, if any, submitted by the Audit Team Department, cannot be a ground to revoke the suspension order.

5. According to the learned counsel for the petitioner, the respondent passed the order, placing the petitioner under suspension on 25.06.2004, pending disciplinary enquiry. The respondent also by his proceedings dated 25.06.2004, instructed the Audit Team to scrutinize thoroughly the accounts books of the corporation’s branch office at Kadapa. The Audit Team has inspected and verified the records and submitted its report to the respondent. Wherein, it is

made clear that there is no variation in the Books of Accounts and the entire funds, released from the Head Office, were utilized in implementation of the Scheme and the entire amount that was released has been properly disbursed. Therefore, based on the report, the respondent has to take a decision to continue the suspension order or to revoke the suspension order and accordingly, appropriate decision has to be taken by the respondent.

6. Having been taken considered view of the whole matter, I deem it appropriate to give a direction to the respondent to pass appropriate orders on the representation of the petitioner dated 17.11.2004.

7. Therefore, respondent is directed to pass appropriate orders on the representation of the petitioner dated 17-11-2004 by taking into consideration the material available on record including Audit report which was already submitted to the first respondent, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is disposed of. In the circumstances, there shall be no order as to costs.

_____ December 16, 2004

Note:

Issue C.C. in two days.

B/o.

KVR

TO

1. The Vice Chairman and Managing Director,

   A.P.State Minorities Finance Corporation Limited,
   Hyderabad.

2 Two C.D. Copies.